

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
March 18, 2008

The City Council convened in Regular Session on Tuesday, March 18, 2008, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Bob Kneemiller, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Larry Muench, Jerry Reese, and Richard Veit. Absent: Ron Stivison and Michael Weller. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #46758

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

A motion was made by LAURIE FELDMAN to excuse the absences of Councilmember Ron Stivison and Michael Weller. MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed.

RESOLUTIONS/AWARDS/PROCLAMATIONS

Recognition of Fire Department Explorers

The Honorable Mayor Patricia M. York introduced Craig Dodson, Fire Department Battalion Chief, who announced that Fire Department Explorer Post 9491 and the CERT Team collected for the First Responder Challenge on December 15, 2007, and December 22, 2007.

First Responder Bell Ring Challenge Organizer Craig Frahm and Salvation Army Representative Jackie Schwarz presented an award to the Fire Department Explorer Post 9491 and the CERT Team for winning the 2007 First Responder Challenge with a total amount collected of \$1,779.00. The members of the Fire Department Explorer Post 9491 and the CERT Team were introduced.

A Resolution Declaring One (1) Parks and Recreation Department Maintenance Vehicle to be Surplus Property and Authorizing Disposal by Trade-In With the Purchase of a Replacement Vehicle (*Sponsors: Laurie Feldman and Michael Klinghammer*)

President of the Council Bob Kneemiller requested that the Resolution be held to determine whether the truck could be added to the snow removal fleet. Councilmember Michael Klinghammer also requested that Staff report whether there is sufficient staff to operate the truck during snow removal efforts. Mayor Patricia M. York requested that the report include whether the \$4,000 trade-in was contemplated in the Park Departments Budget.

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bill 9603 Repealing the Blighting Designation in the Frenchtown Area
Maureen Rogers-Bouxsein, 1409 North Third Street, spoke in opposition to Council Bill 9603.

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John Hoffman, Jac's Automotive, 1513 North Second Street, spoke in favor of Council Bill 9603.

Stephanie Troesser, 1200 North Fifth Street, spoke on behalf of the Historic Frenchtown Association, in position to Council Bill 9603.

Carl Hoerman, 725 Riverview Lane, spoke in favor of Council Bill 9603.

BILLS FOR FINAL PASSAGE

Bill 9595 (Failed)

An Ordinance Amending Sections 113.15, 113.30, and 113.40 of the Code of Ordinances by Establishing the License Tax Rates for Electricity, Gas, and Telephone Providers Effective January 1, 2009 (*Sponsor: Dave Beckering*)

Discussion was held relative to the impact of reducing the utility tax from 7% to 6%. A separate vote was taken, with the following results:

Failed "Aye": Reese, Veit, and Beckering
 "Nay": Feldman, Klinghammer, Kneemiller, Muench, and Ermeling
 Absent: Stivison and Weller

Council Bill 9595 failed passage
File #46759

Bill 9596

An Ordinance Authorizing the Purchase of Real Property Located at 2795 Zumbahl Road (the "Property"); and Approving a Purchase Contract in the Amount of \$205,000 and Closing Costs (*Sponsors: Bob Kneemiller, Larry Muench, Jerry Reese, Dave Beckering, Michael Klinghammer, Laurie Feldman, and Richard Veit*)

A separate vote was taken on Council Bill 9596, with the following results:

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Veit, Beckering, and Feldman
 "Nay": Ermeling
 Absent: Stivison and Weller

Approved by the Honorable Mayor on March 19, 2008, and is known as **Ordinance 08-58**

Bill 9597

An Ordinance Vacating One (1) Ten-Foot Wide Utility Easement Located on Lot 3 of Mark Twain Mall, Plat 2 (*Sponsor: Larry Muench*)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Veit, and Beckering
 "Nay": None
 Absent: Stivison and Weller

Approved by the Honorable Mayor on March 19, 2008, and is known as **Ordinance 08-59**

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Bill 9598

An Ordinance Authorizing an Agreement with the St. Charles Lions Club for the Sponsorship of the Operation of the Farmers Market During the Summer of 2008
(*Sponsor: Richard Veit*)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Veit, and Beckering

"Nay": None

Absent: Stivison and Weller

Approved by the Honorable Mayor on March 19, 2008, and is known as **Ordinance 08-60**

Bill 9600

An Ordinance Authorizing a Contract with St. Charles County to Receive Funding from the St. Charles County Transportation Sales Tax Funds for the Elm Street Improvements Project (Elm Street Widening from Elm Point Industrial to Highway 370) (*Sponsor: Michael Klinghammer*)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Veit, and Beckering

"Nay": None

Absent: Stivison and Weller

Approved by the Honorable Mayor on March 19, 2008, and is known as **Ordinance 08-61**

Bill 9601

An Ordinance Authorizing Acceptance of Sanitary Sewer Utilities and Their Appurtenances at 421 Blanche Drive and Release of Security (*Sponsor: Laurie Feldman*)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Veit, and Beckering

"Nay": None

Absent: Stivison and Weller

Approved by the Honorable Mayor on March 19, 2008, and is known as **Ordinance 08-62**

Bill 9602

An Ordinance Authorizing Change Order Number 1 to the Contract with North American Salt Company for the Purchase of Road Salt in the Amount of \$45,000 for a Total Contract Amount Not to Exceed \$128,500 (*Sponsor: Bob Kneemiller*)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Veit, and Beckering

"Nay": None

Absent: Stivison and Weller

Approved by the Honorable Mayor on March 19, 2008, and is known as **Ordinance 08-63**

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

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Bill 9603

An Ordinance Repealing Ordinance No. 06-130 Which Declared a Certain Area to be a Blighted Area and Determined that Redevelopment of the Area was Necessary and in the Public Interest (*Sponsor: Richard Veit*)

Councilmember Richard Veit responded to several inquiries made during the Public Comment relative to Council Bill 9603.

Bill 9604

An Ordinance Ratifying Three (3) Agreements With Charter Communications Entertainment I, LLC and Charter Fiberlink-Missouri, LLC for the City-Wide Bandwidth Upgrade for a 36-Month Term in an Amount Not to Exceed \$479,393.00 (*Sponsor: Bob Kneemiller*)

Bill 9605

An Ordinance Approving the Record Plat for Resubdivision Plat of Lot 39 of Elm Point Industrial Park Plat 4, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

Bill 9606

An Ordinance Approving the Record Plat for A Condominium Plat of Lot 2 of Grandview Terrace, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

Bill 9607

An Ordinance Suspending the Prohibition Against Drinking in Public Places of Intoxicating Liquor at the Location and During the Hours of Operation of Hot Summer Nights (*Sponsor: Ron Stivison*)

Councilmember Richard Veit requested that his name be added as a sponsor.

Bill 9608

An Ordinance Authorizing an Agreement with the Historic Downtown Business Association for the Purpose of Conducting the Music on Main Special Event from May Through September 2008, Which Shall Include the Placing of Booths on a Portion of the Main Street Sidewalk for the Dispensing of Alcoholic Beverages and Sale of Food to the Public, and the Providing of Live Entertainment (*Sponsor: Ron Stivison*)

Councilmember Richard Veit requested that his name be added as a sponsor.

Bill 9609

An Ordinance Authorizing a License Agreement Among the Hayford Bridge Road OU3 Group, Geotechnology, Inc. and the City of St. Charles for the Installation and Maintenance of One (1) Permanent Monitoring Well Located Within the Existing Easement of the Southern Property Line of Fountain Lakes Park, East of Huster Road and North of Elm Point Road (*Sponsor: Michael Klinghammer*)

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Bill 9610

An Ordinance Authorizing Acceptance of Water Main Utilities and Their Appurtenances at Fountain Lakes – Lot #17 Utility Extension Project and Release of Security
(Sponsor: Michael Klinghammer)

Bill 9611

An Ordinance Authorizing Acceptance of Sanitary Sewer Main Utilities and Their Appurtenances for the 125 Kunze Drive Sanitary Sewer Extension Project and Release of Security (Sponsor: Michael Klinghammer)

Bill 9612 (Tabled)

An Ordinance Amending Schedule I, Subsection (D) of Chapter 77 of the Code of Ordinances by Establishing a 35 Mile Per Hour Speed Limit on Pralle Lane Between Old Highway 94 and Kunze Drive. (Sponsor: Laurie Feldman)

A motion was made by LAURIE FELDMAN to table Council Bill 9612 in order to obtain input from the residents in the area. RICHARD VEIT seconded the motion. All voted in favor, motion passed. Council Bill 9612 was tabled.

Bill 9613

An Ordinance Amending Section 119.09 and Chapter 156 of the Code of Ordinances by Creating Two New Sections to be known as Sections 156.095 and 156.096 Pertaining to Sidewalk Cafes (Sponsor: Richard Veit)

Councilmember Larry Muench voiced concern relative to Council Bill 9613; and requested that Staff attend the South Main Preservation Society Meeting on Thursday, March 20, 2008, to provide information relative to Council Bill 9613.

Bill 9614

An Ordinance Approving the Record Plat for East Hiram Street Condominiums Plat Two, a Subdivision of the City of Saint Charles, Missouri (Sponsor: Michael Klinghammer)

Bill 9615

An Ordinance Approving the Record Plat for East Hiram Street Condominiums Plat Three, a Subdivision of the City of Saint Charles, Missouri (Sponsor: Michael Klinghammer)

Bill 9616

An Ordinance Authorizing the Filing of an Application with the Missouri Division of Tourism, Cooperative Marketing Program, for the FY 2009 Destination Advertising Grant; and to Sign All Necessary Documents to Accept and Receive Said Grant
(Sponsor: Ron Stivison)

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CONSENT AGENDA

President of the Council Bob Kneemiller removed *Item 8.G.3 Purchase of Additional City Lapel Pins* from the consent Agenda . A motion was made by JERRY REESE to receive and approve the balance of the Consent Agenda. DAVE BECKERING seconded the motion. A roll call vote was taken, with the following results: "Aye": Kneemiller, Muench, Reese, Veit, Beckering, Ermeling, Feldman and Klinghammer. "Nay": None. Absent: Stivison and Weller. Motion passed.

- A. Approval of Council Minutes
None
- B. Receipt and/or Approval of Council Committee Reports
None
- C. Receipt of Reports from Boards, Commissions or Committees
 - 1. St. Charles Parks & Recreation Board Meeting of October 17, 2007
File #46516
 - 2. St. Charles Parks & Recreation Work Session of November 7, 2007
File #46516
 - 3. St. Charles Parks & Recreation Work Session of December 5, 2007
File #46516
 - 4. St. Charles Parks & Recreation Board Meeting of December 19, 2007
File #46516
 - 5. St. Charles Parks & Recreation Board Meeting of January 16, 2008
File #46760
 - 6. St. Charles Parks & Recreation Board Meeting of February 11, 2008
File #46760
 - 7. St. Charles Parks & Recreation Board Meeting of February 20, 2008
File #46760
 - 8. St. Charles Parks & Recreation Board Meeting of March 5, 2008
File #46760
 - 9. St. Charles Senior Citizens Advisory Commission Meeting of January 15, 2008
 - a. Motion to Elect Bruce Melton as 2008 Chairman
 - b. Motion to Invite Rick Cavanaugh to Speak on "Selecting Nursing Home" at the February 19th MeetingFile #46761
 - 10. Planning and Zoning Commission Meeting of January 28, 2008
File #46762
 - 11. Economic Development Commission Meeting of January 3, 2008
File #46763
 - 12. Economic Development Commission Meeting of February 7, 2008
File #46763

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- File #46750 13. Wellness Commission Meeting of February 14, 2008
14. Youth Advisory Commission Meeting of February 7, 2008
- a. Motion to Elect Nick Lloyd as Vice Chairman
- b. Motion to Elect Taylor Geisman to Serve as Recording Secretary
- c. Motion to Elect Sarrah Semmel to Serve as Corresponding Secretary

File #46736

- File #46454 15. Veteran's Memorial Committee Meeting of December 3, 2007

- File #46764 16. Riverfest 2008 Committee Meeting of February 20, 2008

17. Board of Public Works Meeting of January 10, 2008
- a. Motion to Recommend Waiving the Water Tap Fees for Verlo Mattress Located at 3025 Boschertown Road

File #46765

- File #46765 18. Special Board of Public Works Meeting of January 30, 2008

- D. Receipt of Reports of the Director of Administration
- File #46737 1. February Investment Report

- E. Approval of Contracts and Easements from \$30,000 - \$99,999
- File #46766 1. Contract with St. Louis Post-Dispatch d/b/a St Louis Advertising Network for Publication and Advertisement Services in an amount not to exceed \$99,400.00

2. Contract with Baylakes Information Systems for Software license fees for Kiosk Information Centers and the purchase of Kiosk Hardware and displays in an amount not to exceed \$50,000.

File #46767

- F. Preliminary Plats
- None

- G. Miscellaneous
- File #46743 1. Report of Court Administrator for February 2008
- File #46755 2. Approval of Arts & Culture Commission Expenditures
3. Purchase of Additional City Lapel Pins

REMOVED FROM THE CONSENT AGENDA

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ITEMS REMOVED FROM CONSENT AGENDA

Item 8.G.3 Purchase of Additional City Lapel Pins

President of the Council Bob Kneemiller suggested that we order a smaller amount of the lapel pins at this time pending redesign of the pins. A motion was made by BOB KNEEMILLER to purchase 500 City lapel pins at this time. DAVE BECKERING seconded the motion. All voted in favor, motion passed.

File #46768

REPORT OF THE MAYOR

Presentation of Economic Development Director, Nadine Boon

This item was referred to the April 1, 2008, Regular Council Meeting.

Appointments to Boards and Commissions

A motion was made by DAVE BECKERING to approve the following appointments to Boards and Commissions as presented by the Honorable Mayor Patricia M. York:

BEAUTIFICATION COMMISISON: Rose Ann Weeks to fill the unexpired term of JoAnn Gresso ending October, 2008.

CEMETERY ADVISORY COMMITTEE: Reappointment of Lucille Wiechens for a three-year term ending March 2011.

LANDMARKS BOARD: Reappointment of Chris Black for a three-year term ending February, 2011.

VETERANS COMMISSION: Appointments of John Torrisi, Tom Kuypers and Robert Peitz for three-year terms ending march, 2011. Appointments of Clara Scott and George Newell for two-year terms ending March, 2010. Appointment of Thomas Stephenson for a one-year term ending March, 2009.

SOLID WASTE DISPOSAL AND RECYCLING SERVICES COMMITTEE: Michael Schulte, Paul Garnier, Thomas Lueke, and Rich Suter for terms ending February, 2009.

PLAZA AT NOAH'S ARK COMMUNITY IMPROVEMENT DISTRICT: Robert Wetherald, in accordance with Ordinance No. 07-21, appointment of Director of the Plaza at Noah's Ark Community Improvement District.

LARRY MUENCH seconded the motion. A roll call vote was taken, with the following results:
"Aye": Muench, Reese, Veit, Beckering, Ermeling, Feldman, Klinghammer, and Kneemiller.
"Nay": None. Absent: Stivison and Weller. Motion passed.

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A motion was made by RICHARD VEIT to approve the following appointments to Boards and Commissions as presented by the Honorable Mayor Patricia M. York:

CITY/COUNTY LIBRARY BOARD: Appointment of Mary Reese to fill the unexpired term of Gail Dreyer ending July, 2010.

DAVE BECKERING seconded the motion. A roll call vote was taken, with the following results: "Aye": Veit, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, and Muench. "Nay": None. Absent: Weller and Stivison. Abstain: Reese. Motion passed.
File #46729

Written and/or Verbal Messages from the Mayor

Photos with Easter Bunny. The Honorable Mayor Patricia M. York announced that Jehling's Hardware will offer free photographs with Easter Bunny on Saturday, March 22, 2008, from 10:00 a.m. to 4:00 p.m.

Blessed Easter. The Honorable Mayor Patricia M. York wished everyone a Blessed, Holy, and Happy Easter.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Report from Grant Review Committee Regarding Grant Process

Councilmember Richard Veit stated that there were several changes made in the Grant Application; and announced that the Grant Review Committee has set a deadline for the receipt of grant application of April 30, 2008.
File #46769

Written and/or Verbal Messages from the Councilmembers

Receipt of 2008 Waste Reduction and Recycling Grant. Councilmember Laurie Feldman announced that the City received the grant from The St. Louis-Jefferson Solid Waste Management District to be used to place recycling receptacles along North and South Main Street and within the Frenchtown Historic District along North Second Street. Councilmember Feldman announced that a meeting is scheduled for April 24, 2008, to receive input from the areas.

St. Charles West High School Basketball Team. Vice President of the Council Jerry Reese announced that the St. Charles West High School Basketball Team will be honored on April 1, 2008.

Illegal Signs. Vice President of the Council Jerry Reese suggested that Councilmembers survey their wards for illegal signs.

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Pothole Hotline. Director of Public Works Debra Aylsworth responded to an inquiry of Councilmember Larry Muench that the Pothole Hotline Phone Number is 636-255-6120.

Travel Show at Convention Center. President of the Council Bob Kneemiller commended the Convention Center on the recent travel show.

TABLED BILLS/PUBLIC HEARINGS

Case No. CU-02-08. (Dorothy Thomas/Task Properties, LLC) An application for a conditional use permit for a temporary shelter. The applicant proposes to open a temporary shelter in an existing building within the I-1 Zoning District at 209 Fox Hill Rd. (Ward 1). ***(Tabled at the February 5, 2008, Regular Council Meeting)***

There was no action taken on Case No. CU-02-08.

Bill 9563 *(Removed from the Table)*

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Nine, a Subdivision of the City of Saint Charles, Missouri *(Sponsor: Michael Klinghammer)*
(Tabled at the February 19, 2008, Regular Council Meeting until April 1, 2008)

A motion was made by MICHAEL KLINGHAMMER to remove Council Bill 9563 from the table. LARRY MUENCH seconded the motion. All voted in favor, motion passed.

Bill 9569

An Ordinance Amending Schedule II, Subsection (A) of Chapter 78 of the Code of Ordinances by Establishing Parking Restrictions Along a Portion of Olive Street
(Sponsor: Richard Veit) ***(Tabled at the February 19, 2008, Regular Council Meeting)***

There was no action taken on Council Bill 9569.

CLOSED SESSION

A roll call vote was taken to adjourn into Closed Session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); with the following results: "Aye": Veit, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, and Reese. "Nay": None. Absent: Stivison and Weller. Motion passed.

The Open Portion of the Regular Council Meeting was adjourned at 8:40 p.m.

April 1, 2008
Date Approved
Maile M. Coz
City Clerk

Bob Kneemiller
Bob Kneemiller, Presiding Officer